



Revisions to SC UST Control Regulations R. 61-92 Part 280

UST Management Division

South Carolina Department of Health and Environmental Control

Promoting and Protecting the Health of the Public and the Environment www.scdhec.gov

New Regulations

The EPA revised the federal UST regulations Part 280 and 281 on July 15, 2015, and became effective October 13, 2015.

- DHEC is proposing to amend the SC UST Control Regulation 61-92, Part 280.
- The proposed changes will include:
 - Adopting all of the federal requirements
 - Maintaining SC regulations in place since 2008
 - Incorporating/revising items specific to SC

Purpose of the Regulation Changes

- To prevent or reduce releases of petroleum from UST systems to the environment
- To reduce potential liability to the SUPERB Account and the SUPERB Financial Responsibility Fund
- To receive and maintain State Program Approval (SPA) from EPA

State Program Approval (SPA)

- SC UST Program currently has SPA
- State Program Approval is required under 40 CFR Part 281
- Each state must reapply by October 13, 2018 due to the changes in the federal regulations.
- Each state must demonstrate it has a program that provides compliance with the federal requirements and is no less stringent.
- Without SPA, owners/operators would be responsible for complying with both state and federal regulations.
- Having SPA means that SC can implement the regulations in the best interest of the regulated community without additional oversight from the EPA.

New Federal UST Regulation Requirements 40 CFR Part 280

- Removal of deferrals for Airport Hydrant Systems (AHS) and Field Constructed Tanks (FCT)
- Release detection for new and existing USTs supplying Emergency Generators
- Internal Lining requirements
- Transfer of ownership requirement
- Groundwater and vapor monitoring requirements
- Release reporting requirements
- Testing requirements for release detection monitoring equipment

Continued . . .

New Federal UST Regulation Requirements 40 CFR Part 280

- Testing requirements for overfill devices
- Testing requirements for spill buckets
- Testing requirements for containment sumps
- Notification of product compatibility
- Walkthrough Inspections/Operator Training
- Secondary Containment
- Under dispenser containment
- Updating codes of practice
- Making editorial and formatting changes

Adopting Federal Requirements

Airport Hydrant Systems (AHS) and Field Constructed Tanks (FCT)

Federal:

- Airport hydrant systems and field constructed tanks will be regulated.

South Carolina:

- Airport hydrant systems and field constructed tanks will be regulated.



Emergency Generator UST Systems

Federal:

- Release detection will be required for all new and existing emergency generator UST systems.

South Carolina:

- Release detection will be required for all new and existing emergency generator UST systems.

- Since 2008, SC has required release detection on all new emergency generator UST systems.



Internal Lining

Federal:

- Must permanently close tanks if the internal lining fails the inspection and **cannot** be repaired according to a code of practice.



South Carolina:

- Must permanently close tanks if the internal lining fails the inspection and **cannot** be repaired according to a code of practice.




Transfer of Ownership

Federal:

•**30 day** requirement for new tank owners to notify of UST system ownership change using the EPA supplied form.

South Carolina:

•**30 day** requirement for new tank owners to notify of UST system ownership change using the SC DHEC supplied form.

 UNDERGROUND STORAGE TANK MANAGEMENT DIVISION BUREAU OF LAND AND WASTE MANAGEMENT 2600 Bull Street, Columbia, SC 29201 Phone (803) 898-0589	
NOTIFICATION OF OWNERSHIP CHANGE FOR UNDERGROUND STORAGE TANKS	
Facility Name: _____	Permit ID #: _____
Facility Address: _____	
Change facility name to: _____	Tax Map ID#: _____
I, _____, hereby take ownership of _____ (number of tanks) underground storage tanks (USTs) located at the facility address listed above. I understand that my assumption of ownership of the USTs evidences my responsibility and liability for the USTs, pursuant to the State Underground Petroleum Environmental Response Bank (SUPERB) Act, S.C. Code Ann. Section 44-2-10 et seq (Revised 2011 & Supp. 2012) and the regulations promulgated pursuant to the Act 25A S.C. Ann. Regs. 61-92(Supp. 2003).	
Within 30 days of acquisition, any person who assumes ownership of a regulated underground storage tank system must submit a notice of the ownership change to the Department in accordance with R.61-92, 280.22(b).	
New UST Owner (Please Print)	Previous UST Owner (Please Print)
Name: _____	Name: _____
Address: _____	Address: _____
Phone: _____	Phone: _____
Email: _____	Email: _____
Signature: _____	Signature: _____
Print Signatory Name: _____	Print Signatory Name: _____
New Owner's Social Security #: _____ (Optional)	
Land Owner	Operator
Name: _____	Name: _____
Address: _____	Address: _____
Phone: _____	Phone: _____
	Email: _____
Date of UST Transfer of Ownership: _____ Notary Signature and Stamp: _____	
<ul style="list-style-type: none">• If leasing tanks, please do not fill out form. The Department only requires the form to be submitted if the tanks were purchased.• Please make sure the Transfer of Ownership form matches your Financial Responsibility with respect to owners' names.• You must attach copies of proof of ownership transfer (e.g., bill of sale, etc.).• If signing as an officer of a corporation, representative of a public agency, administrator of an estate, or as having power of attorney, you must provide a copy of the legal document that proves you can legally sign in such capacity.• Failure to provide supporting documentation will result in no effective change in ownership status.	
STATE USE ONLY	
Permit ID #: _____ Date Received: _____ Date Entered into Database: _____ Date Entry Clerk Initials: _____	
Was owner contacted to verify information: yes or no (Circle One) Comments: _____	

DHEC 3871 (06/2014) SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

Groundwater & Vapor Monitoring

Federal:

- A site assessment must be completed and be signed by a P.E., P.G., or equivalent licensed professional.
- Records of the site assessment must be maintained for the life of the system.

South Carolina:

- A site assessment must be completed and be signed by a P.E., P.G., or equivalent licensed professional.
- Records of the site assessment must be maintained for the life of the system.



Release Reporting

Federal:

- 24 hours release reporting

South Carolina:

- SC currently requires 72 hour release reporting.
- SC will adopt 24 hour release reporting.
- Emergency line: 1-888-481-0125.



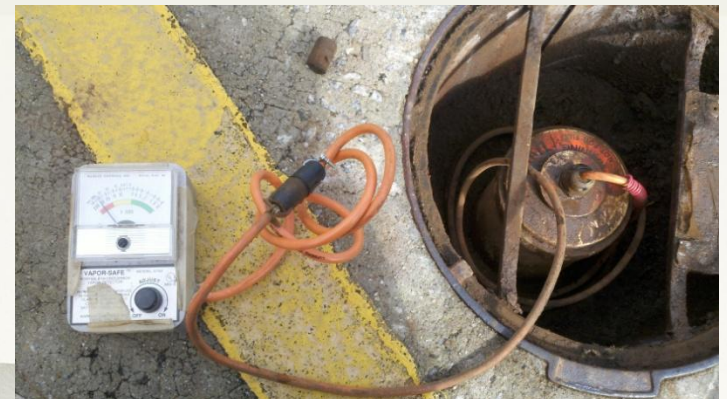
Testing of Release Detection Monitoring Equipment

Federal:

- **Annual** testing of monitoring equipment will be required.

South Carolina:

- **Annual** testing of monitoring equipment will be required.

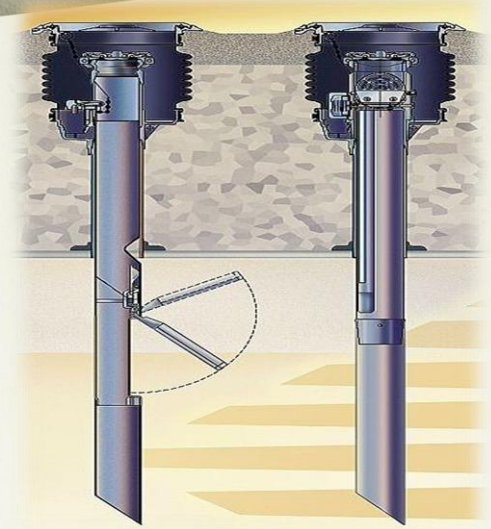


Adopting Federal Requirements with Changes

Overfill Prevention Requirements

Federal:

- **3 year** testing required for proper installation and functionality
- Ball Float Vent Valves (BFVV) cannot be installed on new UST systems
- If BFVV cannot be repaired, another overfill prevention method must be installed.



South Carolina:

- **Annual** testing proposed for proper installation and functionality
- Ball Float Vent Valves (BFVV) cannot be installed on new UST systems
- If BFVV cannot be repaired, another overfill prevention method must be installed.



Spill Bucket Testing

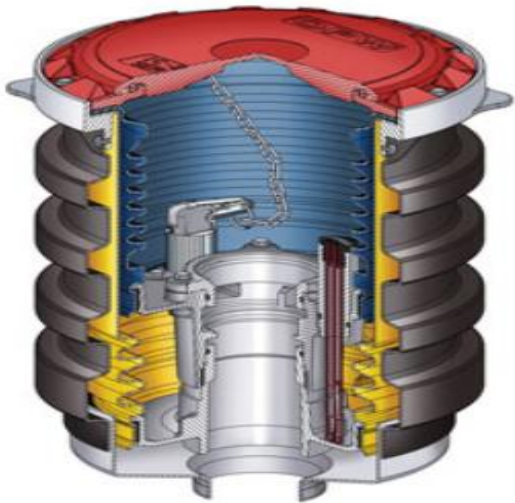
Federal:

- **3 year** testing required for spill buckets or
- use a double-walled spill bucket in conjunction with monthly interstitial monitoring.



South Carolina:

- **Annual** testing proposed for spill buckets or
- use a double-walled spill bucket in conjunction with monthly interstitial monitoring.



Containment Sump Testing

Federal:

- **3 year** testing required for containment sumps only when used with interstitial monitoring
- or
- use a double-walled containment sump with monthly interstitial monitoring.



South Carolina:

- **Annual** testing proposed for containment sumps only when used with interstitial monitoring
- or
- use a double-walled containment sump with monthly interstitial monitoring.

Product Compatibility

Federal:

- 30 days notification when switching from a conventional motor fuel to a regulated alternative substance, i.e.. E85 and B50.

South Carolina:

- 30 days notification when switching from a conventional motor fuel to a regulated alternative substance, i.e.. E85 and B50.
- SC proposes to require notification of a change from a non-regulated substance (i.e.. E100 or B100) to a regulated substance.
- SC proposes all required notifications in writing.

D H E C DEPARTMENT OF HEALTH & ENVIRONMENTAL CONTROL		UNDERGROUND STORAGE TANK ALTERNATIVE FUEL INSTALLATION APPLICATION / CONVERSION NOTIFICATION	
INSTRUCTIONS: This form is to be submitted to the Department along with the Application for the Permit to Install for new installations, or submitted independently for conversions of existing systems from conventional motor fuels to blends greater than 10% ethanol as well as all biodiesel derivatives greater than B20. For existing tank systems, submit this form prior to the conversion.			
Part I			
1. OWNER INFORMATION Name Mailing Address City, State, Zip Code Telephone Number ()	2. FACILITY INFORMATION Facility ID# Facility Name Facility Address Telephone Number ()	3. CONTRACTOR INFORMATION Contractor Name Mailing Address Contact Person Telephone Number ()	
4. Tank Information			
Tank Size: (gallons) <input type="checkbox"/> New Tank <input type="checkbox"/> Existing Tank <input type="checkbox"/> Fuel to be Stored:			
Tank lined: <input type="checkbox"/> Yes <input type="checkbox"/> No Note: Tanks with interior lining will not be approved for E85 storage			
Tank leak detection method: <input type="checkbox"/> Automatic tank gauging <input type="checkbox"/> Vapor/groundwater monitoring <input type="checkbox"/> Interstitial monitoring <input type="checkbox"/> Statistical Inventory Reconciliation (SIR) <input type="checkbox"/> Inventory control and tightness testing (used through 12/2008 only)			
Component:	Manufacturer	Model/Brand	UL Listed or Verified by Manufacturer for Fuel to be Stored
Comments			
If manufacturer or model/brand cannot be determined, write "UNK" in the corresponding box. In the Comment area, write "UNK" if compatibility cannot be determined; write "NA" if system does not have the component listed, write "HC" and the treatment material if a hard-coat treatment is used to achieve compatibility.			
Configuration: <input type="checkbox"/> Single wall <input type="checkbox"/> Double wall	Type: <input type="checkbox"/> Steel <input type="checkbox"/> Steel clad <input type="checkbox"/> Fiberglass		
Tank construction material	<input type="checkbox"/> Listed <input type="checkbox"/> Verified		
Spill bucket	<input type="checkbox"/> Listed <input type="checkbox"/> Verified		
Overfill / Drop Tube Shut	<input type="checkbox"/> Listed <input type="checkbox"/> Verified		
Off-Ball Float Vent Valve	<input type="checkbox"/> Listed <input type="checkbox"/> Verified		
Drop tube	<input type="checkbox"/> Listed <input type="checkbox"/> Verified		
Submersible pump	<input type="checkbox"/> Listed <input type="checkbox"/> Verified		
Leak detection probes	<input type="checkbox"/> Listed <input type="checkbox"/> Verified		
Sump sensors	<input type="checkbox"/> Listed <input type="checkbox"/> Verified		
5. Pipe Information Is sump present for submersible / pipe connections: <input type="checkbox"/> Yes <input type="checkbox"/> No			
Configuration: <input type="checkbox"/> Single wall <input type="checkbox"/> Double wall	Type: <input type="checkbox"/> Steel <input type="checkbox"/> Fiberglass <input type="checkbox"/> Flexible <input type="checkbox"/> Other (Specify):		
Pipe construction material	<input type="checkbox"/> Listed <input type="checkbox"/> Verified		
Gaskets/seals	<input type="checkbox"/> Listed <input type="checkbox"/> Verified		
Pipe sealant/adhesive	<input type="checkbox"/> Listed <input type="checkbox"/> Verified		
Flex connector	<input type="checkbox"/> Listed <input type="checkbox"/> Verified		
Line leak detector	<input type="checkbox"/> Listed <input type="checkbox"/> Verified		
Containment Sump	<input type="checkbox"/> Listed <input type="checkbox"/> Verified		
6. Dispenser Information Blending dispenser: <input type="checkbox"/> Yes <input type="checkbox"/> No Is sump present under dispenser: <input type="checkbox"/> Yes <input type="checkbox"/> No			
Dispenser piping	<input type="checkbox"/> Listed <input type="checkbox"/> Verified		
Gaskets/seals	<input type="checkbox"/> Listed <input type="checkbox"/> Verified		
Dispenser Sump	<input type="checkbox"/> Listed <input type="checkbox"/> Verified		
Check valve	<input type="checkbox"/> Listed <input type="checkbox"/> Verified		
Nozzle(s)/Swivel(s)	<input type="checkbox"/> Listed <input type="checkbox"/> Verified		
Hose(s)	<input type="checkbox"/> Listed <input type="checkbox"/> Verified		
Break-away device	<input type="checkbox"/> Listed <input type="checkbox"/> Verified		
Fuel filters	<input type="checkbox"/> Listed <input type="checkbox"/> Verified		
Emergency valve	<input type="checkbox"/> Listed <input type="checkbox"/> Verified		
Sump sensor	<input type="checkbox"/> Listed <input type="checkbox"/> Verified		
I certify by signature that I have personally examined and/or am familiar with the information submitted to verify system compatibility, and the information is true, accurate, and complete.			
Signature of Authorized Party		Date	

Maintain Current South
Carolina Regulations to
meet the Federal
Requirements

New Federal Requirements that South Carolina adopted in 2008 and proposes to maintain:

- Walkthrough inspections/Operator Training
- Secondary Containment
- Under dispenser containment (UDC)

Walkthrough Inspections/ Operator Training

Federal:

- **30 day** inspections for spill prevention and release detection equipment.
- **Annual** inspections for containment sumps and hand held release detection equipment.



South Carolina:

- **30 day** inspections for all equipment, including but not limited to, spill prevention, release detection, containment sumps and hand held release detection equipment.

CHECKLIST



Operator Training

Class A Operator – Persons having primary responsibility for on-site operation and maintenance of UST systems.

Class B Operator – Persons having daily on-site responsibility for the operation and maintenance of UST systems.

Class C Operator – Daily, on-site employees having primary responsibility for addressing emergencies presented by a spill or release from an UST system.

Secondary Containment

Federal:

- **ALL new tanks and piping** must be secondarily contained.

- * Piping replacement: if more than **50%** requires replacement, then the entire piping run must be secondarily contained.

South Carolina:

- **ALL new tanks and piping** must be secondarily contained.

- * Piping replacement: if more than **25%** requires replacement, then the entire piping run must be secondarily contained.



Under Dispenser Containment (UDC)

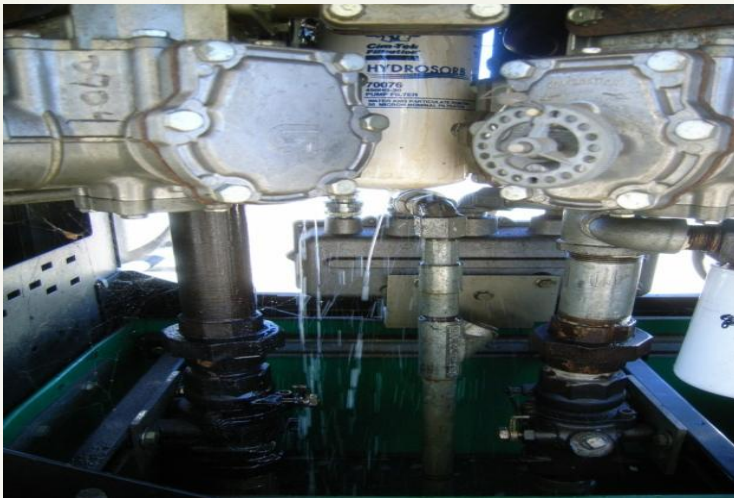
Federal:

- UDC installation for all new and replacement dispenser systems (with the exception of European Suction).



South Carolina:

- UDC installation on all new or replacement dispensers (with some exceptions for European Suction).



SC Specific Requirements

Financial Responsibility

Federal:

- Allows Certificate of Financial Responsibility to be maintained on file

South Carolina:

- Proposes allowing the Certificate of Financial Responsibility (CFR) to be maintained on file to be consistent with the Federal requirement
- Proposes to remove the requirement for the CFR to be kept on site.

 Underground Storage Tank (UST) Certificate of Financial Responsibility 2600 Bull Street, Columbia, SC 29201-1708	
Date Received	Complete and return original form to the Department. Keep one copy at your UST facility. Submit completed form to: UST Financial Responsibility Liaison SC Department of Health and Environmental Control 2600 Bull Street Columbia, South Carolina 29201-1708 Telephone (803) 898-0589 Fax (803) 898-0673
State Use Only	
I. TANK OWNER	TANK OPERATOR
(Corporation, Individual, Public Agency, Other)	
Mailing Address	
City	State Zip Code
Area Code	Telephone Number Contact Person
II. SITE IDENTIFICATION AND LOCATION (check here if USTs are newly-installed) <input type="checkbox"/>	
Permit # (UST Site ID #)	
Facility Name or Company Site Identifier	
Physical Street Address or State Road (as applicable)	
City	State Zip County

DHEC 3472 (06/2013) (over)

Financial Responsibility

Federal:

- No requirement for banks to notify EPA when a Letter of Credit is cancelled

South Carolina:

- Adding requirement for banks to notify the Department when a Letter of Credit is cancelled



Financial Responsibility

SC proposes to revise the regulations to expand the definition of Chief Financial Officer to read:

In the case of local government owners and operators, means the individual with the overall authority and responsibility for the collection, disbursement, and use of funds by the local government. In the case of non-government owners and operators, the corporate officer officially designated as the Chief Financial Officer or functionally equivalent most senior financial officer. The Chief Financial Officer is the person who signs United States Securities and Exchange Commission ("SEC") submissions or the equivalent.

UST System Closure

- Requirement to **drain lines at closure**
- Requirement to notify the Department **in writing** 30 days prior to UST closure



Cathodic Protection

- Testing of corrosion protection system **within 30 days following any repairs** to the CP system.



Delivery Prohibition

South Carolina currently:

- Requires notification of Delivery Prohibition (DP) implementation to owners/operators by two methods of communication
- Requires notification of DP implementation to suppliers by two methods of communication

South Carolina proposes:

- Requires notification of Delivery Prohibition (DP) implementation to owners/operators by two methods of communication
- Notification of DP implementation to suppliers by one method of communication



Implementation

Implementation

Already required in SC:

- Secondary containment
- Under dispenser containment
- Walkthrough inspections & Operator Training will be combined. The requirement for Operator Training was been in place since 2008.
- Product compatibility

Implementation – (based on proposed regulations)

Effective immediately upon the implementation date of the regulations:

- Transfer of ownership notification
- Testing after repairs
- Ball floats cannot be installed
- Release reporting must occur within 24 hours
- Internal lining requirements
- Financial Responsibility changes
- UST closure notification
- Cathodic Protection testing following repair
- Delivery Prohibition notification to supplier

Implementation - (based on proposed regulations)

Effective 3 years after the implementation date of the regulations:

- Spill, overfill and sump testing
- Release detection equipment testing
- Emergency Generator UST systems must do release detection
- GW & Vapor Monitoring site assessment
- Notification of Airport Hydrant and FCT

Path Forward

UST Regulation Workgroup Meetings

Monday, June 13, 2016

1:30 – 4:00pm

Monday, June 27, 2016

1:30 – 4:00pm

Monday, July 11, 2016

1:30 – 4:00pm

Monday, July 25, 2016

1:30 – 4:00pm

Continued....

Continued....

Draft proposed regulations published for 30 day official comment period.

Respond to comments and revise regulations as necessary.

DHEC board approval and submittal for legislative approval process.



South Carolina Department of Health and Environmental Control

www.scdhec.gov

(803) 898-DHEC (3432)



Like us on Facebook.
www.fb.com/scdhec



Follow us on Twitter.
[@scdhec](https://twitter.com/scdhec)



Check us out on YouTube.
www.youtube.com/scdhec